



EPA Region 5 Records Ctr.



299985

April 16, 2008

Mr. David Harper  
DLH Plating, LLC  
2800 Grand Avenue  
Cleveland, Ohio 44104

Mr. Frank Nagorney  
Grand Avenue Realty Company  
2800 Grand Avenue  
Cleveland, Ohio 44104

**VIA HAND DELIVERY**

Re: Emergency Termination of Sewer Service Connection

Mssrs. Harper & Nagorney:

Pursuant to Section 2.0605 of the Northeast Ohio Regional Sewer District ("District") Code of Regulations, a copy of which is attached hereto, DLH Plating, LLC and Grand Avenue Realty Company are ordered to immediately suspend all discharges into the public sewer system from all facilities owned or operated at 2800 Grand Avenue in Cleveland, Ohio.

This emergency suspension of service is based on evidence that actual and/or threatened discharges from these facilities present an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, may interfere with the operation of the District's wastewater treatment plant, or may violate discharge limits imposed by the District's *Code of Regulations*. If you fail to immediately comply with this Order, all necessary action, including judicial action, may be taken against you. Wastewater service may be reinstated only pursuant to the terms of Section 2.0605 of the District's *Code of Regulations*.


Any tampering with and/or removal of and/or bypass of any physical preventive means which may be installed by the District is a violation of District regulations and may also be violations of the laws and regulations of other relevant agencies and would be reported thereto.

*Cease & Desist*  
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The execution of this Cease and Desist Order may be suspended if, in the sole discretion of the Executive Director of the District, the emergency situation at 2800 Grand Avenue has passed and best efforts to foster the pollution prevention and enforcement efforts of the District are determined to be in practice.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Ciaccia', written over the printed name.

Julius Ciaccia  
Executive Director

Enclosure

cc: F. Foley  
S. Broski  
L. English  
Company File

The issuance of a new or revised Administrative Order shall terminate any existing Administrative Order upon personal delivery or signed receipt of certified mail.

- Section 2.0604    Show Cause Hearing - Where a violation of the Code of Regulations occurs, the District may order the discharger who caused or allowed the violation to show cause, before the Board of Trustees or its designated Hearing Examiner in a hearing convened pursuant to Sections 1.0302 and 1.0303 of Title I of this Code of Regulations, why the revocation of service, termination action and/or application of charges should not occur. A written notice shall be served on the discharger by personal service or certified mail, return receipt requested, specifying the time and place of a hearing to be held by the Board of Trustees or its designated Hearing Examiner regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the Board of Trustees or its designated Hearing Examiner why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than seven calendar days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger or to the discharger's principal place of business or to the facility at which the noncompliance occurred. The proceedings at the hearing shall be in accordance with Section 1.0302 and 1.0303 of Title I of the Code of Regulations, and the determination by the Board of Trustees shall be made in the manner prescribed in that Section.
- Section 2.0605    Emergency Suspension of Service - The Executive Director may, for good cause shown, suspend the wastewater treatment service of a discharger when it appears to the District that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, may interfere with the operation of the POTW, or may violate any discharge limits imposed by Title I or Title II of the Code of Regulations. Any discharger notified of the suspension of the District's wastewater treatment service shall cease all discharges. In the event of failure of the discharger to comply with the suspension order within the specified time, the District shall take all actions necessary, including but not limited to judicial proceedings, to compel the discharger's compliance with such order. The discharger shall be responsible for all costs associated with said action. The District shall reinstate the wastewater treatment service upon receipt of proof of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above. Such emergency suspension of service is separate from suspension of service for nonpayment of any user charge(s).
- Section 2.0606    Judicial Proceedings - Following the final appeal to the District permitted under procedures for Administrative Determinations of Section 5.1 of the Rules of Procedure For Administrative Determinations Made By The Northeast Ohio Regional Sewer District, the General Counsel of the District may, following the authorization of such action by the District, commence an